

REMARKS/ARGUMENTS

Claims 1-18 and 20-22 were pending when the Application was last examined. Claims 14, 18 and 20-22 were allowed. Claims 3, 4, 7-9, 12 and 13 were objected to. Claims 1, 2, 5, 6, 10 and 11 were rejected in view of prior art. Claims 15-17 were rejected for indefiniteness relating to lack of antecedent basis. The specification was also objected to.

As set forth below, the claims that were rejected in view of prior art are either being canceled (claims 1, 2, 5 and 6) or effectively rewritten to include the limitations of an otherwise allowable dependent claim (claims 10 and 11). The base claim of claims 15-17 is being amended to address a grammatical/typographical issue related to the indefiniteness issue.

As such, all the remaining claims in the Application are now in condition for allowance.

Claims 1-2, 5-6 and 12 are being canceled. Claims 3, 7, 10, 13 and 14 are being amended. Claims 3-4, 7-11, 13-18 and 20-22 are now pending, of which claims 3, 7, 10, 14, 18 and 20-22 are independent.

The specification was objected to for failing to provide antecedent basis for claims 14-17 that recite a computer readable medium. As discussed below, the specification is being amended without adding new matter, in response to the objection. However, Applicants also submit that support for claims 14-17 is provided throughout the specification and drawings and, for example, on page 4, lines 33-35 describing "a memory operably coupled to the processor [where the] memory has program instructions stored therein," or in figure 2 and on page 6, lines 25-32 of the specification, describing that "[c]omputer program instructions 297 for implementing a

bandwidth broker are stored on the disk storage device until the processor retrieves the computer program instructions and stores them in the main memory."

While the specification provides adequate support for claims 14-17, in order to expedite the prosecution, the specification is being amended to include the text of claims 14-17, as they appeared in the original filing of the application, and appropriate introductory phrases. In the text being added to the specification that corresponds to claim 14, the phrase "a computer readable media" present in the original claim 14 is being changed to "a computer readable medium." The phrase starts with the singular reference article "a" and the use of the plural "media" instead of the singular "medium" is a grammatical error that is being corrected.

Claims 15-17 are rejected under 35 U.S.C. §112, second paragraph, for indefiniteness because they are directed to a "computer readable medium" while the corresponding independent claim 14 refers to "a computer readable media." A review of claims 14-17 indicates that the independent claim 14 includes a grammatical/typographical error in stating "media" instead of "medium." Accordingly, the independent claim 14 is being amended to correct this grammatical/typographical error. Claim 14 was allowed and claims 15-17 were otherwise found allowable as they depend from claim 14. Accordingly, withdrawal of the §112 rejection and allowance of claims 15-17 is requested.

Claims 1, 2, 5, 6, 10 and 11 are rejected under 35 U.S.C. §102(e) as being anticipated by Ash (U.S. Patent No. 6,590,867). Claims 3, 4, 7-9, 12 and 13 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form.

Appln No. 09/919,365
Amdt date March 13, 2007
Reply to Office action of February 22, 2007

Claims 1 and 2 are being canceled. Allowable claim 3 is being rewritten to include the limitation of its corresponding independent claim 1 and the intervening claim 2. Allowable claim 4 depends from claim 3. Accordingly, claims 3 and 4 are now in condition for allowance.

Claims 5 and 6 are being canceled. Allowable claim 7 is rewritten to include the limitations of its corresponding independent claim 5 and the intervening claim 6. Allowable claims 8 and 9 depend from claim 7. Accordingly, claims 7-9 are now in condition for allowance.

Upon review of the claims, it appeared more appropriate to rewrite the independent claim 10 to include the limitations of the allowable claim 12. Allowable claim 12 is being canceled. Claim 11 depends from claim 10 and is therefore now allowable. Allowable claim 13 that depended from claim 12 is being amended to depend from claim 10. Accordingly, claims 10, 11 and 13 are now in condition for allowance.

All of the pending claims are now in condition for allowance. Withdrawal of the rejections and allowance of the Application is requested.

Respectfully submitted,
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